

JUL 14 2005 7:28AM HP LASERJET 3330

P. 1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	John LACOMBE et al.	Confirmation No.:	3871
Serial No.:	09/932,541	Group Art Unit:	2162
Filed:	08/17/2001	Examiner:	St. John Courtenay
For:	Hardware Implementation Of An Application-Level Watchdog Timer	Docket No.:	200301694-1

DECLARATION UNDER RULE 131(A)

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: July 12, 2005

Sir:

John LACOMBE and Theodore F. EMERSON, applicants in the above-identified patent application, declare as follows:

1. That prior to March 31, 2001, Messrs. Lacombe and Emerson were employed as engineers for Compaq Computer Corporation;
2. That prior to March 31, 2001, Messrs. Lacombe and Emerson conceived of a hardware implementation of an application-level watchdog timer;
3. That said watchdog timer included a computer system, comprising at least one processor, a system memory coupled to said processor, at least one input/output device coupled to said processor, and a watchdog timer device, wherein the computer system executes: an operating system with at least two protection layers, one or more computer applications, and an application watchdog driver that monitors user designated computer applications for periodic messages, wherein if the watchdog driver receives a periodic message from all user-designated computer applications in a predetermined period of time, the watchdog driver delivers a command to clear the watchdog

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019/031

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07/12/2005 11:38 FAX 7132388008

CONLEY, ROSE

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Appl. No. 09/932,541
Amdt. dated July 12, 2005
Reply to Office action of April 12, 2005

timer device, and further comprising a message passing interface that transmits signals between the two protection layers, wherein the watchdog driver executes in one protection layer and the application executes in another protection layer and wherein the periodic message is transmitted from the application to the application watchdog driver through the message passing interface;

4. That Messrs. Lacombe and Emerson received an initial draft of a patent application for said watchdog timer sometime prior to March 31, 2001, as evidenced in Exhibits A and B attached hereto; and
5. That after Messrs. Lacombe and Emerson received this initial draft of said watchdog timer, subsequent revisions were made to the patent application for said watchdog timer on April 9, 2001, May 22, 2001, June 14, 2001, and July 30, 2001—prior to its eventual filing on August 17, 2001 as evidenced in Exhibit B attached hereto.

The declarants further state that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

7/12/05
DATE


John LACOMBE

DATE

Theodore F. EMERSON

JUL 14 2005 7:28AM HP LASERJET 3330

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Appl. No. 09/932,541
Amdt. dated July 12, 2005
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- timer device, and further comprising a message passing interface that transmits signals between the two protection layers, wherein the watchdog driver executes in one protection layer and the application executes in another protection layer and wherein the periodic message is transmitted from the application to the application watchdog driver through the message passing interface;
4. That Messrs. Lacombe and Emerson received an initial draft of a patent application for said watchdog timer sometime prior to March 31, 2001, as evidenced in Exhibits A and B attached hereto; and
 6. That after Messrs. Lacombe and Emerson received this initial draft of said watchdog timer, subsequent revisions were made to the patent application for said watchdog timer on April 9, 2001, May 22, 2001, June 14, 2001, and July 30, 2001—prior to its eventual filing on August 17, 2001 as evidenced in Exhibit B attached hereto.

The declarants further state that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

DATE

7/14/2005
DATE

John LACOMBE


Theodore F. EMERSON

Andrew Aranda

From: John Lacombe [JLacombe@banderacom.com]
Sent: Tuesday, March 27, 2001 10:19 AM
To: 'Andrew Aranda'; John Lacombe; 'ted.emerson@compaq.com'
Subject: RE: P00-2947 1ST DRAFT OF APPLICATION (1662-30500)

John Lacombe
8305 Cambria Drive
Austin Tx, 78717
Citizenship: U.S.A.

The write up is very good. One minor addition - alteration to pg 5 section [0013]. After the application watchdog timer reaches it's threshold the action that occurs "may" be a system reset, or it may just cause an IRQ back to SW driver that can initiate a graceful restart of the operating system. (The actual mechanisms will vary per OS). The advantage being a controlled shutdown where file systems are flushed appropriately, etc...

Thanks,
JL

-----Original Message-----

From: Andrew Aranda [mailto:Aaranda@crlaw.com]
Sent: Friday, March 23, 2001 9:51 AM
To: 'JLacombe@banderacom.com'; 'ted.emerson@compaq.com'
Subject: FW: P00-2947 1ST DRAFT OF APPLICATION (1662-30500)
Importance: High

Good morning Gentlemen,

Just a quick status check to verify that you received the message below. Please let me know if you've had a chance to review the attached draft of the patent application.

Thanks a bunch.

Regards,

Andrew R. Aranda
Technical Advisor, Houston Office
Conley, Rose & Tayon, P.C.
600 Travis, Suite 1800
Houston, TX 77002
713-227-7153
aaranda@crlaw.com

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File Document Search Projects Help glabveApplication

Open Database: [CPQ_Pat_App_30500] #39902

Edited	Name	Doc #	Application	Author	Client	Matter
6/30/2005	131 AFFIDAVIT RDA 4/12/05 1662-30500	152672	MS WORD	Robert Tuttle	1429	30500
6/29/2005	RESP OFF ACT 04/12/05 1662-30500	149982	MS WORD	Robert Tuttle	1429	30500
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12/20/2004	CARD 1662-30500					
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6/7/2000	NEW FILE MEMO 1662-30500					

Document History Search

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History - [CPQ_Pat_App_30500]

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EXHIBIT "B"
PAGE 1 OF 10

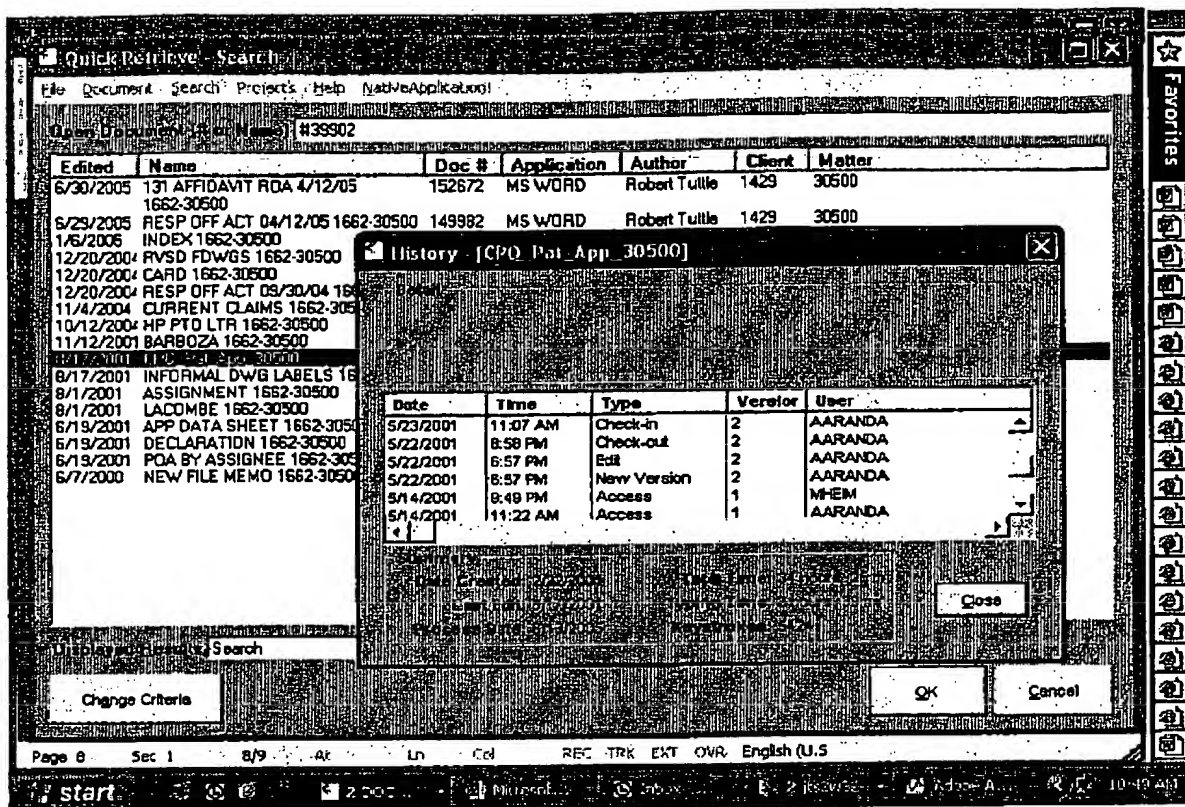


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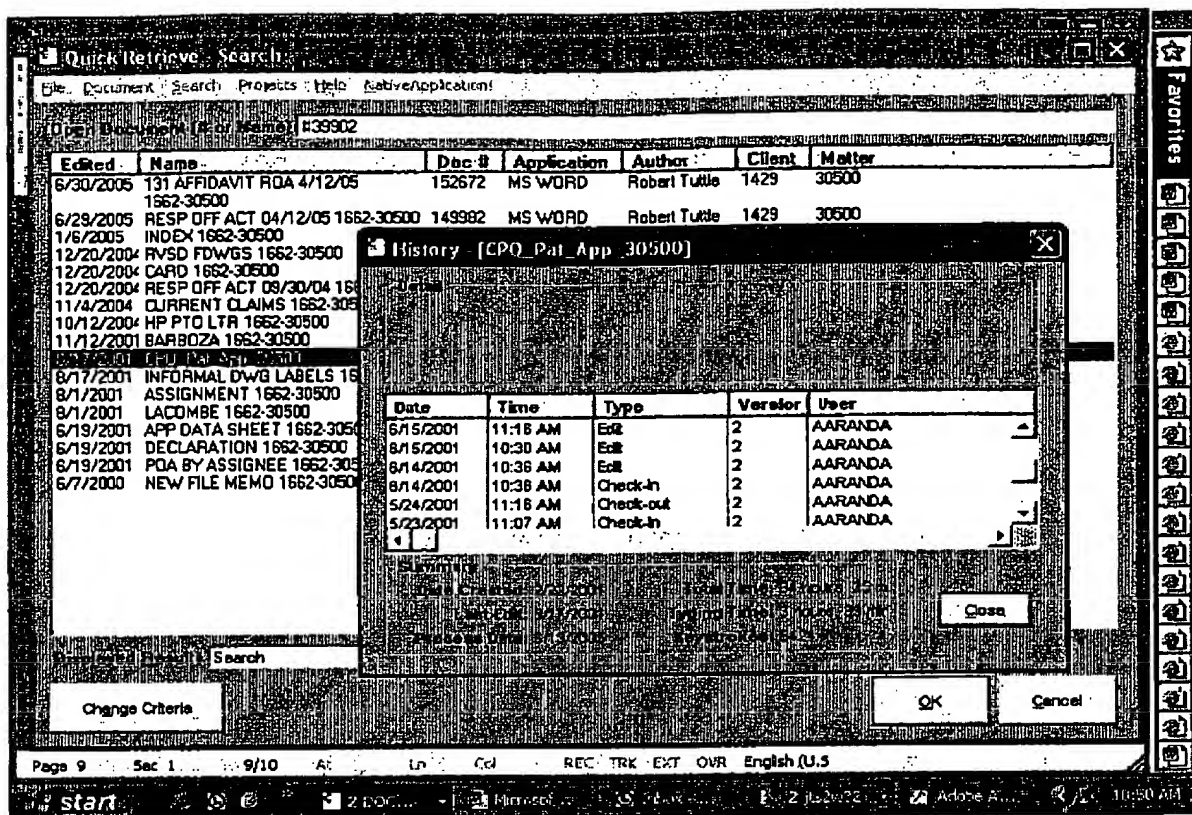


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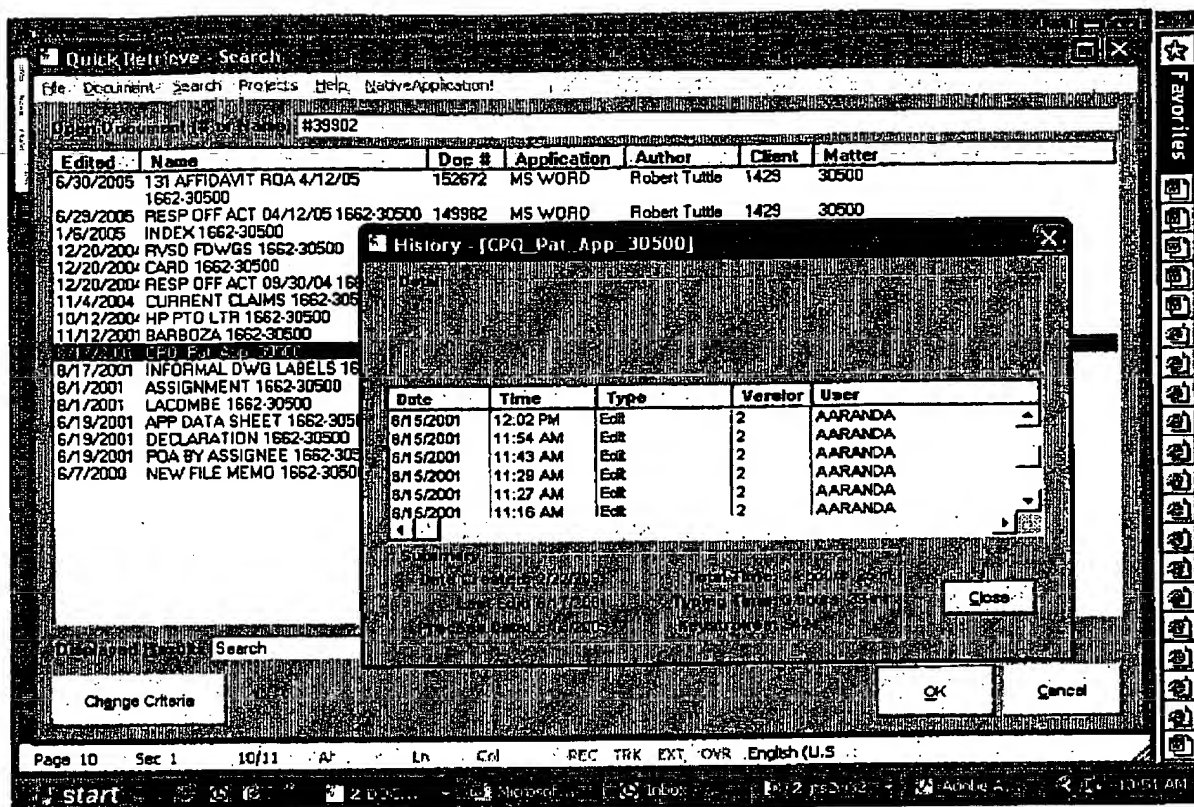


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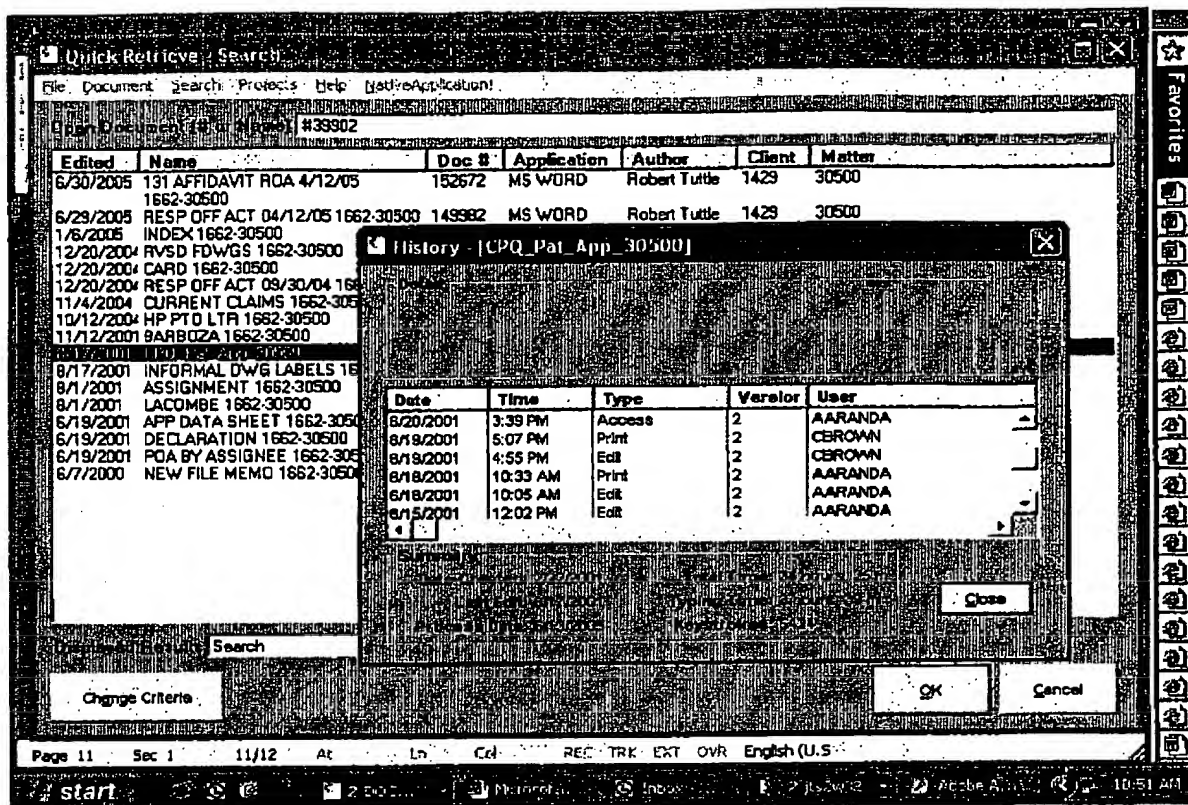


EXHIBIT "B"
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File Document Search Projects Help (Active Application)

Doc # 152672 Application MS WORD Author Robert Tuttle Client 1429 Matter 30500

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6/19/2001	DECLARATION 1662-30500					
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History - [CPQ Pat App 30500]

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EXHIBIT "B"
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Document: [CPD_Pat_App_30500] #39902

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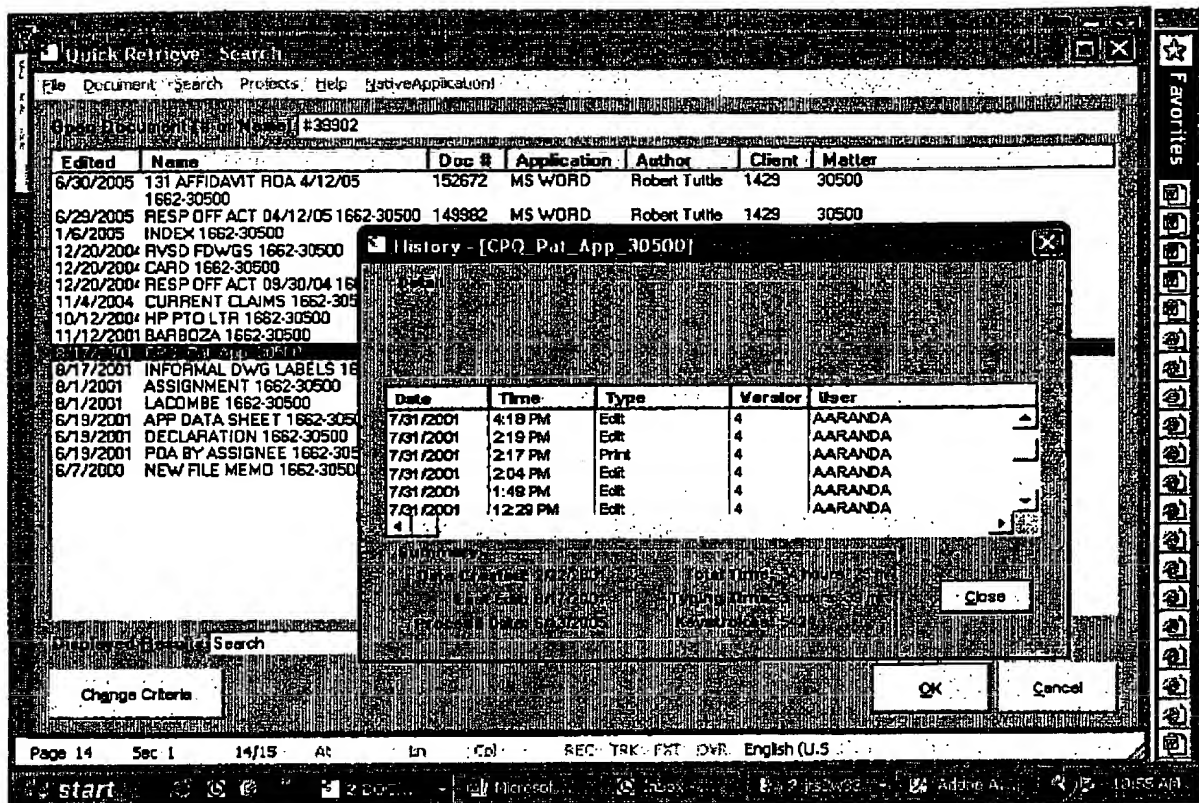


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History: [CPO Pat App 30500]

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